(133)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ. बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

-1-

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Cr.M.P.No.424/07

[Single Bench; Hon'ble Mr. Justice Dhirendra Mishra]

APPLICANT/ APPELLANT — State of Chhattisgarh, Through the District Magistrate, District Bilaspur (C.G.)

Vs

NON-APPLICANTS RESPONDENTS

1. Siyadas, S/o Hemraj Chandra, aged about -50 years.
2. Purushottam, S/o Siyadas Chandra, aged about 25 years.
3. Fulkunwar, W/o Siyadas Chandra, aged about 48 years.
4. Vimla, D/o Siyadas, aged about 22 years.
5. Sarita, S/o Siyadas, aged about 19 years.

All residents of Village Banshital, P.S. Marwahi, District Bilaspur (CG)

26.9.2007

Mr. G.K. Beriwal, Dy. Advocate General for the applicant/State.

Heard.

The State has preferred this petition seeking leave to appeal against the judgment of acquittal dated 5.5.2007 passed by the learned 8th Additional Sessions Judge, (FTC), Pendraroad in S.T. No.426/03 Jagdalpur whereby learned Additional Sessions Judge has acquitted the respondents herein from the charges of Section 498-A & 306/34 of the IPC.

(134)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

-2-

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Respondent were prosecuted for physically and mentally harassing the deceased Chilli Bai alias Meerabai in the name of demand of dowry as a result of which she committed suicide on 8.2.2003 by hanging herself.

Mr. Beriwal, learned Deputy Advocate General for the State referring to the statement of Chandrawati (PW-4), mother of deceased, submitted that this witness visited the house of deceased one day before the incident and at that time her daughter complained while weeping that she has not been provided food, accused persons quarreled with her and they had also beat her. She complained about this fact to the Village Kotwar & Sarpanch also. She asked the deceased to accompany her, however, the accused persons did not allow the deceased. On the next day in the morning, she was informed by the Kotwar that her daughter is dead. However, the trial court vide impugned judgment has disbelieved the statement of the mother of the deceased without any reason.

I have heard learned counsel for the applicant.

The trial court after appreciating the evidence of Chandrawati (PW-4) in detail, has disbelieved her version by a reasoned order. Adverting to the evidence available on record it has been observed by the trial court that other witnesses have categorically stated that

(133)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

- 3 -

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	there was no demand of dowry by the accused persons. The allegation of the mother is belied from the photograph of the deceased as also postmortem report. The indepen dent witnesses have not supported her version and thus, the respondents have been acquitted with a finding that the prosecution has failed to prove that within 7 years of the marriage of the deceased she was treated with cruelty to such an extent that it was not possible for her to further remain alive and there is no evidence of abetment to commit suicide before her death by the accused persons, as defined under Section 107 of the IPC. The finding of the trial court is based on the detailed appreciation of evidence available on record and there is no illegality or infirmity in the impugned judgment, which calls for interference. In the result, the petition has no merit, the same is liable to be dismissed and it is hereby dismissed at the admission stage itself. **Sd/-** **DHIRENDRA MISHRA** **Judge**	

R/2

[पीछे देखें